IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 588 (SS) of 2007

Khajan Singh,
S/o late Sri Chetram Singh,
Presently working as Senior Clerk,
At GIC Darau,
District – Udham Singh Nagar. **.....Petitioner.**

Versus

1. State of Uttarakhand through Director of Education, Uttarakhand.
2. Joint Director of Education, Nainital.
3. District Education Officer, Pithoragarah.
4. Principal, GGIC, Kichha, Udham Singh Nagar.
5. Accountant, Education, Divisional Office, Uttarakhand, office of Joint Director of Education, Nainital.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri S. S. Yadav, learned counsel for the petitioner and Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. Issue a writ order or direction in the nature of Mandamus directing the respondents to release the salary of the petitioner since August 1996 to December 2003 and it is further prayed to pay the entire arrears of the salary along with 10% interest.

II. Issue a writ order or direction in the nature of Mandamus directing the Joint Director of Education, Nainital (Respondent

no. 2) to complies the order dated 07.04.2005 passed by Director of Education, Uttarakhand.

III, *Issue any other writ, order or direction, as this Hon'ble Court may deem fit and proper under the circumstances of the case.*

IV. *Allow the cost of the writ petition to the petitioner.*

During the course of argument, learned counsel for the petitioner has submitted that he has already moved representation for redressal of his grievance before Joint Director of Education, Kumaon Mandal, Nainital on 06.12.2004 (annexure no. 15 C to the writ petition).

In this representation, the petitioner is claiming salary for the period from August 1996 to December, 2003, during which petitioner has been transferred from one place to another and he could not join on the transferred post, as the authority concerned has not permitted him to join.

In view of the above, I direct the Joint Director of Education, Kumaon Mandal, Nainital, to take decision on the representation of the petitioner for making payment of salary for the period August 1996 to 19.12.2003, after conducting inquiry on the question whether petitioner had not joined at new place of posting willingly or he was not permitted to join by the Authority concerned, within a period of six weeks from the date of production of certified copy of this order.

With this direction, the writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 24, 2007
SKSHARMA